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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
SAMUEL NAVARRETE MIRANDA,

Plaintiff,

-against-

THAI 2 K CORP. d/b/a ERAWAN THAI
CUISINE and SURACHAI LIM,

Defendants.
-----X

Docket No. 23-cv-04578 (RPK)(RER)

**ANSWER TO AMENDED
COMPLAINT**

Defendants THAI 2 K CORP. d/b/a ERAWAN THAI CUISINE and SURACHAI LIM
(collectively “Defendants”), by their attorneys, The Law Firm of Adam C. Weiss, PLLC, hereby
answer the Amended Complaint (“Complaint”), filed February 23, 2024, in the above-captioned
matter as follows:

INTRODUCTION

1. Defendants deny the allegations contained in Paragraph “1” of the Complaint.
2. Defendants deny the allegations contained in Paragraph “2” of the Complaint.

JURISDICTION

3. Defendants admit the allegations contained in Paragraph “3” of the Complaint.

VENUE

4. Defendants admit the allegations contained in Paragraph “4” of the Complaint.

THE PARTIES

5. Defendants deny having knowledge sufficient to admit or deny the allegations contained in Paragraph “5” of the Complaint.

6. Defendants deny the allegations contained in Paragraph “6” of the Complaint.

7. Defendants admit the allegations contained in Paragraph “7” of the Complaint.

8. Defendants admit the allegations contained in Paragraph “8” of the Complaint.

9. Defendants admit the allegations contained in Paragraph “9” of the Complaint.

10. Defendants admit the allegations contained in Paragraph “10” of the Complaint.

11. Defendants admit the allegations contained in Paragraph “11” of the Complaint.

12. Defendants admit the allegations contained in Paragraph “12” of the Complaint.

13. Defendants admit the allegations contained in Paragraph “13” of the Complaint.

14. Defendants admit the allegations contained in Paragraph “14” of the Complaint.

15. Defendants admit the allegations contained in Paragraph “15” of the Complaint.

16. Defendants admit the allegations contained in Paragraph “16” of the Complaint.

17. Defendants admit the allegations contained in Paragraph “17” of the Complaint.

18. Defendants admit the allegations contained in Paragraph “18” of the Complaint.

19. Defendants admit the allegations contained in Paragraph “19” of the Complaint.

FACTUAL ALLEGATIONS

20. Defendants deny the allegations contained in Paragraph “20” of the Complaint.

21. Defendants deny the allegations contained in Paragraph “21” of the Complaint.

22. Defendants deny the allegations contained in Paragraph “22” of the Complaint.

23. Defendants deny the allegations contained in Paragraph “23” of the Complaint.

24. Defendants deny the allegations contained in Paragraph “24” of the Complaint.

25. Defendants deny the allegations contained in Paragraph “25” of the Complaint.

26. Defendants deny the allegations contained in Paragraph “26” of the Complaint.

27. Defendants deny the allegations contained in Paragraph “27” of the Complaint.

28. Defendants deny the allegations contained in Paragraph “28” of the Complaint.

29. Defendants deny the allegations contained in Paragraph “29” of the Complaint.

30. Defendants deny the allegations contained in Paragraph “30” of the Complaint.

31. Defendants deny the allegations contained in Paragraph “31” of the Complaint.

FIRST CLAIM

32. Defendants repeat and reiterate each and every answer to paragraphs “1” through “31” of the Complaint as if more particularly hereinafter set forth in answer to paragraph “32”, and each and every part thereof.

33. Defendants admit the allegations contained in Paragraph “33” of the Complaint.

34. Defendants aver that Paragraph “34” of the Complaint contains legal conclusions as to which no response is required, and otherwise denies the allegations contained therein.

35. Defendants deny the allegations contained in Paragraph “35” of the Complaint.

36. Defendants deny the allegations contained in Paragraph “36” of the Complaint.

37. Defendants deny the allegations contained in Paragraph “37” of the Complaint.

SECOND CLAIM

38. Defendants repeat and reiterate each and every answer to paragraphs “1” through “37” of the Complaint as if more particularly hereinafter set forth in answer to paragraph “38”, and each and every part thereof.

39. Defendants admit the allegations contained in Paragraph “39” of the Complaint.

40. Defendants aver that Paragraph “40” of the Complaint contains legal conclusions as to which no response is required, and otherwise denies the allegations contained therein.

41. Defendants deny the allegations contained in Paragraph “41” of the Complaint.

42. Defendants deny the allegations contained in Paragraph “42” of the Complaint.

43. Defendants deny the allegations contained in Paragraph “43” of the Complaint.

44. Defendants deny the allegations contained in Paragraph “44” of the Complaint.

THIRD CLAIM

45. Defendants repeat and reiterate each and every answer to paragraphs “1” through “44” of the Complaint as if more particularly hereinafter set forth in answer to paragraph “45”, and each and every part thereof.

46. Defendants aver that Paragraph “46” of the Complaint contains legal conclusions as to which no response is required, and otherwise denies the allegations contained therein.

47. Defendants deny the allegations contained in Paragraph “47” of the Complaint.

48. Defendants deny the allegations contained in Paragraph “48” of the Complaint.

49. Defendants deny the allegations contained in Paragraph “49” of the Complaint.

FOURTH CLAIM

50. Defendants repeat and reiterate each and every answer to paragraphs “1” through “49” of the Complaint as if more particularly hereinafter set forth in answer to paragraph “50”, and each and every part thereof.

51. Defendants deny the allegations contained in Paragraph “51” of the Complaint.

52. Defendants deny the allegations contained in Paragraph “52” of the Complaint.

FIFTH CLAIM

53. Defendants repeat and reiterate each and every answer to paragraphs “1” through “52” of the Complaint as if more particularly hereinafter set forth in answer to paragraph “53”, and each and every part thereof.

54. Defendants aver that Paragraph “54” of the Complaint contains legal conclusions as to which no response is required, and otherwise denies the allegations contained therein.

55. Defendants deny the allegations contained in Paragraph “55” of the Complaint.

56. Defendants deny the allegations contained in Paragraph “56” of the Complaint.

57. Defendants deny the allegations contained in Paragraph “57” of the Complaint.

58. Defendants deny the allegations contained in Paragraph “58” of the Complaint.

59. Defendants deny the allegations contained in Paragraph “59” of the Complaint.

SIXTH CLAIM

60. Defendants repeat and reiterate each and every answer to paragraphs “1” through “59” of the Complaint as if more particularly hereinafter set forth in answer to paragraph “60”, and each and every part thereof.

61. Defendants aver that Paragraph “61” of the Complaint contains legal conclusions as to which no response is required, and otherwise denies the allegations contained therein.

62. Defendants deny the allegations contained in Paragraph “62” of the Complaint.

63. Defendants deny the allegations contained in Paragraph “63” of the Complaint.

64. Defendants deny the allegations contained in Paragraph “64” of the Complaint.

65. Defendants deny the allegations contained in Paragraph “65” of the Complaint.

66. Defendants deny the allegations contained in Paragraph “66” of the Complaint.

67. Defendants deny the allegations contained in Paragraph “67” of the Complaint.

AFFIRMATIVE DEFENSES FOR EACH AND EVERY CAUSE OF ACTION

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

The complaint fails to set forth a cause of action upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

This Court lacks subject matter jurisdiction of this litigation and the parties hereto.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

The Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

This action is barred by the doctrines of waiver and estoppel.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

This action is barred by the doctrine of laches.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

This action is barred by the doctrine of unclean hands.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

The Defendants have fully compensated Plaintiff for all work performed.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

The Plaintiff cannot recover liquidated damages under FLSA because, in accordance with 29 U.S.C. §260, the Defendants at all times acted in good faith and believed that their conduct was not in violation of FLSA.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

To the extent that the Plaintiff could establish that the Defendants are liable under FLSA (and they cannot), the Plaintiff's recovery must be limited because the Defendants did not act

willfully.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

Any act or omission on the part of the Defendants was in good faith and it had reasonable grounds for believing that such acts or omissions were not in violation of and were in conformity with FLSA, New York Labor Law, written administrative regulations, orders, rulings, approvals or interpretations of the U.S. Department of Labor and, therefore, some or all of the claims in the complaint are barred.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

The Plaintiff's complaint fails to state a claim upon which liquidated damages or attorneys' fees may be awarded.

AS FOR A TWELFTH AFFIRMATIVE DEFENSE

The complaint is barred, in whole or in part, by the doctrine of payment.

AS FOR A THIRTEENTH AFFIRMATIVE DEFENSE

The Defendants are entitled to a set-off with respect to every Plaintiff for monies paid for any hours that a particular Plaintiff was not working.

AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE

The Defendants reserve the right to raise additional affirmative defenses and to supplement those asserted herein upon discovery of further information and investigation.

WHEREFORE, Defendants demand judgment dismissing the Complaint, with prejudice, and awarding Defendants' attorneys' fees, costs and disbursements of this action, and such other and further relief as this Honorable Court deems just, equitable and proper.

Dated: February 26, 2024
Glen Cove, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'AW', with a long horizontal flourish extending to the right.

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